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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

SIERRA SNOWMOBILE FOUNDATION,
et al.,

Plaintiffs,

vs.

UNITED STATES FOREST SERVICE, et al.,

Defendants,

and

WILDEARTH GUARDIANS, et al.,

Intervenor-Defendants.

) Case No.: 2:21-CV-01913-JAM-DB

) **DECLARATION OF STEVEN EVANS**

) Hearing Date: January 10, 2023

) Hearing Time: 1:30 p.m. PT

) Judge: Honorable John A. Mendez

1 I, Steven Evans, hereby declare as follows:

2 1. I reside and work in Sacramento, California.

3 2. I am currently a consultant on public lands and river issues for the California
4 Wilderness Coalition (“CalWild”). I have worked as a contractor for CalWild since 2011.
5 Previously, I served on the CalWild Board of Directors for 20 years. I have been a member of
6 CalWild since 1975.

7 3. CalWild has been working to protect and restore California’s wildest natural
8 landscapes since 1976. These important wild places provide clean air and water, refuges for
9 wildlife, and outstanding opportunities for recreation and spiritual renewal for people. CalWild is
10 based in Oakland, CA, and has staff located throughout the state. CalWild has over 7,000 members
11 and supporters, many of whom recreate in the wild places and rivers of the Stanislaus National
12 Forest.

13 4. Representing CalWild, I have commented on the draft OSV Plan for the Stanislaus
14 National Forest. CalWild was involved in the development of the 1991 Stanislaus Forest Plan and
15 the 2018 and 2021 Stanislaus OSV draft and final Plans. The draft 2018 Stanislaus OSV Plan
16 proposed a Forest Plan amendment to allow motorized winter recreation in the Pacific Valley and
17 Eagle roadless areas, which were allocated to Near Natural (non-motorized recreation) management
18 in the final 1991 Forest Plan. I assisted in mobilizing public response to the draft OSV Plan to
19 advocate for wild places and wildlife and to challenge the Forest Plan amendments. CalWild signed
20 on to joint comments submitted by a coalition of conservation groups in response to the draft 2018
OSV Plan and an objection to the final 2019 OSV Plan.

21 5. I have personally hiked and camped in and adjacent to the Pacific Valley Near
22 Natural Area. My most recent outings include a camping trip at Highland Lakes and through the
23 Pacific Valley Near Natural Area of the Mokelumne Coast to Crest Trail in 2021, camping at the
24 Pacific Valley Campground and hiking through the Near Natural Area in 2020, and a group outing
25 with CalWild and Foothill Conservancy members and supporters that involved camping at the
26 Pacific Valley Campground and Coast to Crest Trail hikes in 2017.

27 6. The Stanislaus provides an enjoyable primitive recreation experience due to its
28 natural state. The Near Natural management of the area has maintained habitat for the Sierra

1 Nevada red fox. I plan to continue to visit the Pacific Valley Near Natural Area in summer of 2022
2 and will continue to visit this area in the future. OSV use that causes harm to the highly imperiled
3 and endangered Sierra Nevada red fox population or displaces fox from the Pacific Valley will
4 reduce my chances of seeing foxes or signs of foxes when I recreate, impairing my use and
5 enjoyment of the area. Although I do not visit the area in the winter, I appreciate that Near Natural
6 management of the area has maintained habitat for endangered and threatened species which allows
7 them to survive the winter and be appreciated at other times of year.

8 7. I am concerned about expansion of motorized access and the adverse impacts from
9 motorized use in Near Natural Areas, particularly harassment of winter wildlife and disruption of
10 their habitat, including adverse impacts on imperiled wildlife such as the Sierra Nevada red fox,
11 Pacific marten, Sierra Nevada yellow-legged frog, and the Yosemite toad. I am also concerned
12 about how noise and exhaust from motorized engines will eliminate the solitude and natural
13 experience that myself and many of our members and supporters seek for quiet winter recreation on
14 the forest.

15 8. Snowmobile use harasses winter wildlife and can disrupt their habitat in a variety of
16 ways. Their presence and noise can displace wildlife, forcing them to move to less hospitable areas
17 with suboptimal shelter or food during a time of year that already involves high energy needs for
18 survival through winter. Studies indicate that snowmobile use results in displacement of wildlife.
19 Snowmobiles can also compact snow, harming small animals that hibernate underneath, and can
20 create compacted trails that provide access into backcountry habitat for predators. Amphibians
21 emerging from under the snow to breed in early spring can get hit by snowmobiles, killing or
22 injuring them. OSV use that harms populations of these highly imperiled species during the winter
23 will impair my use and enjoyment of the area at other times. For instance, if OSV use in the Sonora
24 Pass area harms the very small population of Sierra Nevada red fox, that population cannot increase
25 in abundance and expand into the Pacific Valley where I can appreciate them while recreating.

26 9. I have recently camped at Highland Lakes, which contains multiple breeding
27 populations of the Yosemite toad and Sierra Nevada yellow-legged frog. The Yosemite toad is
28 listed as threatened under the ESA, and the Sierra Nevada yellow-legged frog is listed as
endangered. Their breeding occurs shortly after snowmelt in shallow waters of wet meadows,

1 ponds, and slow-moving streams. They overwinter under the snow in rodent burrows, and crevices
2 under rocks and stumps. When they emerge from their overwintering habitat in early spring, they
3 move over snow or ice to reach their breeding areas. While migrating, they can be struck and
4 injured or killed by OSVs. OSV use can compact snow or creates ruts in the soil, destroying their
5 under-snow hibernation sites and destroying their meadow habitat. Further, OSVs can emit air or
6 water pollutants, which settle in the snow and tickle into riparian areas when the snow melts in the
7 spring.

8 10. These impacts directly injure my interests and those of CalWild's members because
9 we enjoy searching for rare wildlife species and we enjoy quiet recreation, particularly if motorized
10 OSV use increases in sensitive areas previously closed to such use under the Stanislaus Forest Plan.
11 While I support the Forest Service's decision to keep closed some of the Pacific Valley and Eagle
12 Near Natural areas to motorized use, I am concerned about the portions now open for use because
13 they provide valuable habitat for red fox, marten, and other wildlife. Increased OSV use in these
14 areas will injure my interests in seeing wildlife when I recreate because it could lead to
15 displacement of animals from these areas and reduce my ability to observe animals or their signs,
16 which impairs my recreation experience.

17 11. I have suffered an actual, concrete and distinct injury to my interests described above
18 through the Forest Service's violations of the National Environmental Policy Act ("NEPA"), the
19 Travel Management Rule, and the National Forest Management Act ("NFMA") by signing the
20 Stanislaus OSV designation decision. For instance, as alleged in our Complaint, the Forest Service
21 failed to:

- 22 a. take a "hard look" under NEPA at all direct, indirect, and cumulative
23 environmental effects on endangered, threatened, and sensitive
24 species from the OSV designations;
- 25 b. properly apply the minimization criteria of the Travel Management
26 Rule to minimize harassment and habitat disruption for Sierra Nevada
27 red fox, Pacific marten, Sierra Nevada yellow-legged frog, and
28 Yosemite toad;

1 c. comply with NFMA by unreasonably concluding the Forest Plan
2 Amendment would not have any substantial adverse effects to wildlife
3 or habitat.

4 12. My injuries are directly traceable to the Forest Service's failure to comply with
5 NEPA, the Travel Rule, and NFMA when making the Stanislaus OSV designations that fail to
6 ensure the protection of rare wildlife such as the Pacific marten, Sierra Nevada red fox, Sierra
7 Nevada yellow-legged frog, and the Yosemite toad. I fear the final OSV decision will harm these
8 species and lead to their demise or at least slow their recovery, impairing my ability to find and
9 view these species throughout the year, thus reducing my future enjoyment of the Stanislaus
10 National Forest. My injuries also result from the Forest Service's failure to comply with these laws
11 when finalizing a Forest Plan amendment that allows designation of OSV use in Near Natural
12 Areas. I am concerned that these management changes will impair my ability to experience solitude
13 in these areas, thus further reducing my future enjoyment of the Stanislaus National Forest.

14 13. These injuries to my interests are redressable by the court. An order declaring that the
15 Forest Service must remedy the violations of NEPA, the Travel Rule, and/or NFMA that we alleged
16 in our Complaint through a supplemental analysis of the impacts to these four species, while at the
17 same time keeping the new winter travel in place to regulate OSV use on the forest, would alleviate
18 the identified harm to my interests. The Forest Service would have to remedy these violations of
19 law by conducting supplemental analysis and making changes to the OSV designations that ensure
20 additional protections for Sierra Nevada red fox, Pacific marten, Sierra Nevada yellow-legged frog,
21 and Yosemite toad and allow me to continue to enjoy these species in the future.

22 Dated: July 29, 2022

Respectfully submitted,

23 /s/ Steve Evans
24 (original signature retained by Lauren Rule)

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which in turn automatically generated a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF system, causing the following counsel to be served by electronic means:

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Dated: July 29, 2022

/s/Lauren M. Rule
Lauren M. Rule